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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,310	03/30/2004	Hitoshi Kuratomi	JP920030054US1	3638
25299	7590	04/07/2005	EXAMINER	
IBM CORPORATION PO BOX 12195 DEPT 9CCA, BLDG 002 RESEARCH TRIANGLE PARK, NC 27709			EDWARDS, ANTHONY Q	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/813,310

Applicant(s)

KURATOMI ET AL.

Examiner

Anthony Q. Edwards

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 9 is objected to because of the following informalities: the claim recites plural pivot members in line 4, but independent claim 1 and intervening claim 7, respectively, recite a single pivot member. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,367,748 to Solomon et al. ("Solomon" hereinafter). Referring to claim 1, Solomon discloses a pivot device (see Fig. 4), comprising a pivot member (410) which supports the device on a placement plane (200), see Fig. 2, when the device is placed on the plane, wherein the pivot member (410) acts as a pivot that allows the orientation of the device to be changed when the device is tilted by lifting its predetermined end (i.e., the end nearest handle 430). See col. 6, lines 2-13.

Referring to claim 2, Solomon discloses a pivot device as claimed (see Fig. 4 and the corresponding specification).

Referring to claim 3, Solomon discloses a pivot device as claimed (see col. 6, lines 16-19).

Referring to claim 4, Solomon discloses a pivot device as claimed. See col. 1, lines 65-67, which teaches that the device can be provided as OEM, as opposed to a kit or add-on feature.

Referring to claim 6, Solomon discloses a pivot device as claimed (see Fig. 4 and the corresponding specification).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon.

Referring to claim 7, Solomon discloses the invention as substantially claimed, except for the electronic apparatus including a lid portion having a display, the lid portion provided to a body via a hinge so as to open and close with the display face side of the display facing a keyboard (i.e., a notebook or portable computer). Although a notebook computer is not specifically disclosed, it is notoriously old and well known in the art of desktop electronic devices to utilize portable or notebook computers in lieu of, and in addition to, standard desktop models.

It would have been obvious to one having ordinary skill in the art at the time of the invention to utilize a notebook computer having a lid portion with a display, the lid portion provided to a body via a hinge so as to open and close with the display face side of the display facing a keyboard for the electronic device of Solomon, since a notebook computer is more versatile.

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Referring to claim 8, Solomon as modified discloses the apparatus as claimed, wherein two pivot members (410) are provided in right and left positions apart from each other, respectively, and the right pivot member inherently acts as a pivot when the front left end of the body is lifted and the left pivot member inherently acts as the pivot when the front right end of the body is lifted. See Fig. 4 and col. 6, lines 16-19.

Referring to claim 9, Solomon as modified discloses an apparatus as substantially claimed. See Fig. 4 and col. 6, lines 2-13.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of U.S. Patent Application Publication No. US200/0123421 to Bushey. Solomon discloses the device as substantially claimed, including an interstitial member (i.e., TEFLON) provided on the portion of the pivot member that comes into contact with the placement plane. See col. 5, lines 35-39. Solomon does not, however, teach providing a cover member on the pivot device. Bushey teaches providing a cover member (62) for moving furniture (see Figs. 12 and 13) on a pivot device (60).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the device of Solomon to include a cover member on the pivot device, as taught by Bushey, since the device of Bushey would provide the pivot apparatus of Solomon with pivoting and sliding movement without the use of expensive and hard to maintain rolling casters.

Conclusion

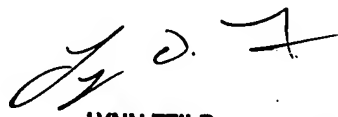
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 571-272-2042. The examiner can normally be reached on M-F (7:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 1, 2005
aqe


LYNN FEILD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800